

PATENT  
601-1-078DIVIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Alexey G. Ryazanov et al.  
SERIAL NO. : 09/994,485 EXAMINER : Anderson, Janet L.  
FILED : November 27, 2001 ART UNIT : 1645  
FOR : ELONGATION FACTOR-2 KINASE (EF-2 KINASE),  
AND METHOD OF USE THEREFOR

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2/12/04.

Christine B. Dierval, Reg. No. 37,309  
(Name of Registered Representative)

Betty Schuly 2/12/04  
(Signature and Date)

DECLARATION PURSUANT TO 37 C.F.R. 31.12 OF  
ALEXEY G. RYAZANOV, PH.D.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Alexey G. Ryazanov, Ph.D., do hereby declare as follows:

- (1) That my address is: 254 Dodds Lane  
Princeton, NJ 08540
- (2) That I am the inventor of the subject application;
- (3) That I am a coauthor of the article, Ryazanov et al., 1997, Proceedings of the National Academy of Sciences, U.S.A., Vol. 94, pages 4884-4889 cited by the Examiner of the above-cited application in the November 12, 2003 and April 28, 2003 Official Actions, along with co-authors Michael D. Ward, Charmaine E. Mendola, Karen S. Mur, Maxim V.

BEST AVAILABLE COPY

Serial No. 09/994,485

Dorovkov, Martin Wiedmann, Hediye Erdjument-Bromage, Paul Temp, Toni Gestone  
Parmer, C. Robert Prostko, F. Joseph Germino and William N. Hait;

[4] That co-authors Karen S. Pavur and William N. Hait are also named inventors  
of the subject application; and

[5] That co-authors Michael D. Ward, Charmaine E. Mendel, Maxim V.  
Dorovkov, Martin Wiedmann, Hediye Erdjument-Bromage, Paul Temp, Toni Gestone  
Parmer, C. Robert Prostko and Joseph Germino were not involved in the conception of the  
present invention, but rather either supplied technical assistance, sequence assistance and/or  
general advice regarding molecular biology techniques and methods, or were under the control  
and supervision of myself or co-inventor William N. Hait and therefore were properly not  
named as inventors of the present invention;

[6] That the article Ryazanov et al., 1997, Proceedings of the National Academy of  
Sciences, U.S.A., Vol. 94, pages 4884-4889, cited by the Examiner therefore was not a  
publication or public disclosure by "another" under 35 U.S.C. §102(b);

[6] I declare further that all statements made herein of my own knowledge are true  
and that all statements made on information and belief are believed to be true and further that  
these statements are made with the knowledge that willful false statements and the like so made  
are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United  
States Code and that such willful false statements may jeopardize the validity of the application  
or any patent issuing thereon.

02/11/04  
Date

  
Alexey G. Ryazanov, Ph.D.